

ARIZONA STATE SENATE

48TH LEGISLATURE SECOND REGULAR SESSION

MINUTES OF COMMITTEE ON PUBLIC SAFETY AND HUMAN SERVICES

DATE: February 14, 2008 **TIME:** 9:00 a.m. **ROOM:** SHR 3

CHAIRMAN: Senator Linda Gray **VICE CHAIRMAN:** Senator Harper

ANALYST: Amber O'Dell **INTERN:** Brooke Olguin

COMMITTEE SECRETARY: Bill Ritz

ATTENDANCE

BILLS

<u>Committee Members</u>	<u>Pr</u>	<u>Ab</u>	<u>Ex</u>	<u>Bill Number</u>	<u>Disposition</u>
Senator Chuck Gray	X			SB 1008	DPA/SE
Senator Huppenthal	X			SB 1140	DP
Senator Landrum Taylor	X			SB 1184	DPA
Senator Rios	X			SB 1335	DP
Senator Soltero	X			SB 1386	HELD
Senator Harper, Vice Chairman	X			SB 1392	DPA
Senator Linda Gray, Chairman	X				

Chairman Linda Gray called the meeting to order at 9:05 a.m., and attendance was taken.

APPROVAL OF MINUTES

Senator Linda Gray moved the minutes of February 7, 2008, be approved. Without objection, the minutes were approved as distributed.

CONSIDERATION OF BILLS

SB 1140 – law enforcement; safety equipment; appropriation – DO PASS

Brooke Olguin, Public Safety and Human Services Research Intern, explained SB 1140 and answered questions posed by the Committee members.

Senator Waring, bill sponsor, further explained SB 1140 and answered questions posed by the Committee members.

Jason Schechterle, representing self, testified in support of SB 1140 and answered questions posed by the Committee members.

Senator Harper announced the individuals who registered their position on the bill (Attachment A).

Senator Harper moved SB 1140 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 7-0-0 (Attachment 1).

SB 1008 – immediate license suspension; traffic accidents – DO PASS AMENDED/ STRIKE EVERYTHING

Amber O'Dell, Public Safety and Human Services Research Analyst, explained the 5-page Linda Gray strike everything amendment dated 2/12/08 at 3:31 p.m. (Attachment B) and answered questions posed by the Committee members.

Senator Waring, bill sponsor, further explained SB 1008.

Don Isaacson, Arizona Licensed Beverage Association, testified in opposition to SB 1008 and answered questions posed by the Committee members.

Senator Harper announced the individuals who registered their position on the bill (Attachment A).

Debra Brimhall Pearson, representing self, testified in support of SB 1008.

Senator Harper moved SB 1008 be returned with a DO PASS recommendation.

Senator Harper moved the 5-page Linda Gray strike everything amendment dated 2/12/08 at 3:31 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Harper moved SB 1008 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 2).

In explanation of her vote, Senator Rios stated “I always feel like I have to justify my position. It is a very emotional issue. I was hit by a drunk driver and I had my arm broken. I lost an aunt to a drunk driver who was also high. But my concerns with this bill are many. We are putting pressure on our police officers to act as judge and jury. The whole issue of due process is very important. I think it is also establishing a false sense of security. To assume that you take someone’s license and they are not going to drive anyway is faulty logic. Lastly, and maybe most importantly, I don’t think we are in the position to pick and choose when we automatically suspend licenses. I believe all of us in this legislature have received an e-mail from the widow of a man who was killed less than a month ago in an act of road rage. The guy shot him in the face, killed him in front of his wife. His license was not taken away. He was let out on bail for forty-some thousand dollars and he can drive and this poor woman is asking us how that can happen. I don’t think we can say one situation is more important or takes priority over another. For those various reasons I have to vote ‘No’.”

In explanation of his vote, Senator Soltero stated “I am still kind of wrestling with this situation about a law enforcement officer being able to suspend licenses on the spot. How would it apply in different situations? I think it is a judgment call but I am still trying to receive information on this from individuals that have knowledge in this area. Let me say I am opposed to driving under the influence, but there are still some issues here in this bill and in the amendment that I am very concerned about. I know that we heard some very compelling testimony, and I sympathize with the people that have had bad experiences with people that were driving under the influence, but until I totally feel comfortable that this is legislation I can support I will have to vote ‘No’.”

In explanation of his vote, Senator Harper stated “From a public policy standpoint, this bill solves the problem of suspected drunk drivers keeping their license and going out there driving drunk again. From a public policy standpoint this bill solves the problem. I will be voting ‘Aye’ today because of that. If I had held a seat on the Senate Rules Committee, I would vote that this bill is not proper for consideration. Don Isaacson is right that it does not give equal due process under the law, but we are deciding today whether or not it makes good public policy. If I were on the Senate Rules Committee I would have to imply that this is not constitutional and not proper for consideration. I am going to vote ‘Aye’.”

SB 1392 – parents’ bill of rights – DO PASS AMENDED

Amber O’Dell, Public Safety and Human Services Research Analyst, explained SB 1392, the 10-line Chuck Gray amendment dated 2/13/08 at 1:26 p.m. (Attachment C), and the 2-line Chuck Gray amendment dated 2/13/08 at 4:31 p.m. (Attachment D).

Senator Chuck Gray, bill sponsor, further explained SB 1392 and answered questions posed by the Committee members.

Julie Lind, representing self, testified in support of SB 1392.

Carol Shippy, Arizona Families for Home Education, testified in support of SB 1392.

Senator Linda Gray announced the individuals who registered their position on the bill (Attachment A).

Senator Chuck Gray moved SB 1392 be returned with a DO PASS recommendation.

Senator Chuck Gray moved the 10-line Chuck Gray amendment dated 2/13/08 at 1:26 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved the 2-line Chuck Gray amendment dated 2/13/08 at 4:31 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Chuck Gray moved SB 1392 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 4-3-0 (Attachment 3).

In explanation of her vote, Senator Landrum Taylor stated "I still have some concerns regarding the usage of this biometric information. Also, it seems like for a few of the things in here you can already have parental consent as it relates to making sure that a child is immunized and things of that nature. I know the bill is going to be worked on a little more but at this time I will have to vote 'No'."

In explanation of her vote, Senator Rios stated "I would like to thank Senator Gray for assuring child safety with the addition of the CPS amendment. At this time I have a couple of additional concerns and until I have heard from ASPA and others I am going to have to vote 'No'."

In explanation of his vote, Senator Soltero stated "I have heard in the past where sometimes certain things are necessary for a child's well being. Maybe sometimes some of us parents believe a certain way and maybe the child's well being may not be addressed. There are so many things in this bill that I am concerned about and I am really unsure if we are keeping the child's well being in mind in some situations. I understand that we are trying to make sure that parents have their legal rights but I am still undecided. I may change my mind later but I will have to vote 'No'."

In explanation of his vote, Senator Harper stated "I just find it hilarious. I think the registered Independents in Arizona should take notice that one party other than the Republican Party is unanimously against parental rights and I vote 'Aye'."

SB 1184 – DUI; treatment; education; ignition interlock – DO PASS AMENDED

Amber O'Dell, Public Safety and Human Services Research Analyst, explained SB 1184 and the 17-line Linda Gray amendment dated 2/13/08 at 4:16 p.m. (Attachment E).

Senator Linda Gray, bill sponsor, further explained SB 1184 and answered questions posed by the Committee members.

Alberto Gutier, Arizona Interlock Distributors Association, testified in support of SB 1184.

Don Isaacson, Arizona Licensed Beverage Association, testified in opposition to SB 1184 and answered questions posed by the Committee members.

Chick Richardson, Advantage Interlock, testified in support of SB 1184 and answered questions posed by the Committee members.

Senator Linda Gray announced the individuals who registered their position on the bill (Attachment A).

Steve Barclay, Beer and Wine Distributors of Arizona, testified in opposition to SB 1184 and answered questions posed by the Committee members.

Brigitte Targosz, representing self, testified in support of SB 1184.

Senator Harper moved SB 1184 be returned with a DO PASS recommendation.

Senator Harper moved the 17-line Linda Gray amendment dated 2/13/08 at 4:16 p.m. be ADOPTED. The motion CARRIED by voice vote.

Senator Harper moved SB 1184 be returned with an AS AMENDED, DO PASS recommendation. The motion CARRIED with a roll call vote of 5-2-0 (Attachment 4).

In explanation of her vote, Senator Landrum Taylor stated "I just wanted to commend the sponsor on her hard work as it relates to trying to protect the public and offering assistance to those who get themselves into precarious situations. I am glad to see the education component in this particular piece of legislation and I vote 'Aye'."

In explanation of his vote, Senator Soltero stated "Again, I am totally opposed to people driving under the influence. But as was heard before, many people already understand that Arizona has the toughest driving under the influence laws in the nation. We barely passed the bill last year that addresses the issue of interlocks. Due to these reasons I feel that the laws are pretty strong right now, the toughest in the nation, and I will have to vote 'No' on this."

SB 1335 – aggravated domestic violence; violation – DO PASS

Brooke Olguin, Public Safety and Human Services Research Intern, explained SB 1335.

Senator Harper announced the individuals who registered their position on the bill (Attachment A).

Senator Harper announced the Committee would wait to vote on SB 1335 until it was known if President Bee, bill sponsor, would be available to testify.

SB 1386 – domestic violence; definition – HELD

Brooke Olguin, Public Safety and Human Services Research Intern, explained SB 1386.

Senator Linda Gray announced SB 1386 would be HELD.

SB 1335 Vote

Senator Harper moved SB 1335 be returned with a DO PASS recommendation. The motion CARRIED with a roll call vote of 5-0-2 (Attachment 5).

There being no further business, the meeting was adjourned at 10:29 a.m.

Respectfully submitted,

Bill Ritz
Committee Secretary

(Audio recordings and attachments on file in the Secretary of Senate's Office/Resource Center, Room 115. Audio archives are available at <http://www.azsenate.gov>).